

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDON PRESTON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JOHN N. PRESTON, JR.,

Respondent-Appellant.

UNPUBLISHED

April 13, 2010

No. 294416

St. Clair Circuit Court

Family Division

LC No. 09-000353-NA

Before: WHITBECK, P.J., and METER and FORT HOOD, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), and (j). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

A trial court may terminate parental rights if it finds that at least one statutory ground for termination has been proven by clear and convincing evidence. MCR 3.977(G); *In re Trejo*, 462 Mich 341, 355, 360; 612 NW2d 407 (2000). Although we agree that § 19b(3)(b)(ii) was not applicable to respondent, given that the evidence showed that respondent was the abusive parent rather than the parent who failed to protect the child from abuse, the trial court did not clearly err in finding that §§ 19b(3)(b)(i) and (j) were both established by clear and convincing evidence. *In re Trejo*, 462 Mich at 356. The evidence showed that respondent solicited sex from underage girls on the Internet in 2009, and had a prior conviction for dissemination of inappropriate material to minors. On at least one occasion, he displayed his own child's naked body via the webcam, and also once chatted with another woman about possible sexual activity between him and her and their children. Contrary to what respondent argues, petitioner was not required to prove that respondent would neglect his child for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). The *Fritts* decision predates the enactment of § 19b(3), which now sets forth the current criteria for termination.

Further, considering respondent's history of sexual deviant behavior directed at children and his sexual exploitation of his own child, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich at 356-357.

Affirmed.

/s/ William C. Whitbeck

/s/ Patrick M. Meter

/s/ Karen M. Fort Hood